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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

Master File No. 07-CV-5944-JST

MDL No. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

**DIRECT PURCHASER PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL
DOCUMENTS PURSUANT TO CIVIL
LOCAL RULES 7-11 AND 79-5(d)**

1 Pursuant to Civil Local Rules 7-11 and 79-5(d) and this Court’s Standing Order Governing
 2 Administrative Motions to File Materials Under Seal, Direct Purchaser Plaintiffs (“DPPs” or
 3 “Plaintiffs”) hereby move the Court for leave to file certain documents under seal. This motion is
 4 supported by the Declaration of R. Alexander Saveri in Support of Direct Purchaser Plaintiffs’
 5 Administrative Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d), dated
 6 April 1, 2019. *See Civ. L. R. 79-5(d).*

7 DPPs have reviewed and complied with this Court’s Standing Order Governing
 8 Administrative Motions to File Materials Under Seal.

9 DPPs have reviewed and complied with Civil Local Rule 79-5. Civil Local Rule 79-5
 10 governs the filing under seal of entire documents or portions of documents that contain material
 11 that is “privileged, protectable as a trade secret or otherwise entitled to protection under the law.”
 12 Civ. L.R. 79-5(a)–(e). Civil Local Rule 79-5(d) provides: “A party seeking to file a document, or
 13 portions thereof, under seal (‘the Submitting Party’) must: (1) File an Administrative Motion to
 14 File Under Seal, in conformance with Civil L.R. 7-11.”

15 In compliance with Civil Local Rule 79-5(d), DPPs submit this Administrative Motion
 16 because they wish to file documents that contain either: (a) material designated by a Defendant
 17 pursuant to a Protective Order as “Confidential” or “Highly Confidential”; or (b) analysis of,
 18 references to, or information taken directly from material designated by a Defendant pursuant to a
 19 Protective Order as “Confidential” or “Highly Confidential.” *See id.*

20 DPPs seek to file the below material under seal in good faith in order to comply with the
 21 Protective Order in this action and the applicable Local Rules. Because the Irico defendants
 22 contend that the material they have designated is confidential in nature, it is their burden to
 23 establish that the designated information is sealable. Civil L.R. 79-5(e); *see Kamakana v. City of*
Honolulu, 447 F.3d 1172, 1178–80 (9th Cir. 2006). DPPs leave it to this Court’s discretion to
 24 determine whether the above material should be filed under seal. Courts have repeatedly
 25 emphasized that a party must make a “particularized showing of good cause” and show a
 26 “compelling reason” to justify the sealing of motions and papers filed with a court. *See Foltz v.*
State Farm Mutual Auto. Ins. Co., 331 F.3d 1122, 1138 (9th Cir. 2002) (reversing the lower court’s

1 sealing of records because there was no “compelling reason to justify sealing” under the protective
 2 order). As the Ninth Circuit has stated, the “hazard of stipulated protective orders” is that they
 3 “often contain provisions that purport to put the entire litigation under lock and key without regard
 4 to the actual requirements of Rule 26(c).” *Kamakana*, 447 F.3d at 1183. Plaintiffs file this
 5 administrative motion in order to comply with the Protective Order entered in this action.

6 DPPs seek leave to file the following documents under seal:

- 7 • Gray highlighted portions of the Direct Purchaser Plaintiffs’ Opposition to the Irico
 8 Defendants’ Amended Motions to Dismiss Claims of Direct Purchaser Plaintiffs for
 9 Lack of Subject Matter Jurisdiction;
- 10 • Exhibits 1-2, 4, 12-13, 15-22, and 26-31 to the Declaration of R. Alexander Saveri in
 11 Support of Direct Purchaser Plaintiffs’ Opposition to the Irico Defendants’ Amended
 12 Motions to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter
 13 Jurisdiction;”
- 14 • Gray highlighted portions of the Declaration of David Y. Hwu in Support of Direct
 15 Purchaser Plaintiffs’ Opposition to the Irico Defendants’ Amended Motions to Dismiss
 16 Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction; and
- 17 • Exhibit 3 to the Declaration of David Y. Hwu in Support of Direct Purchaser Plaintiffs’
 18 Opposition to the Irico Defendants’ Amended Motions to Dismiss Claims of Direct
 19 Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction.

20 The chart below identifies the designating entity for the materials to be sealed:

21 Document	22 Designating Entity
23 Gray highlighted portions of the Direct Purchaser Plaintiffs’ Opposition to the Irico Defendants’ Amended Motions to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction	24 Irico Defendants
25 Exhibit 1 to the Saveri Declaration: IRI-CRT-00002041– 105	26 Irico Defendants
27 Exhibit 2 to the Saveri Declaration: IRI-CRT-00000779– 85	28 Irico Defendants
29 Exhibit 4 to the Saveri Declaration: Irico Defendants’ Objections and Responses to Direct Purchaser Plaintiff Studio Spectrum, Inc.’s First Set of Interrogatories, dated May 4, 2018	30 Irico Defendants
31 Exhibit 12 to the Saveri Declaration: IRI-CRT- 00003578–79	32 Irico Defendants

1	Exhibit 13 to the Saveri Declaration: IRI-CRT-00003732	Irico Defendants
2	Exhibit 15 to the Saveri Declaration: IRI-CRT-00003546	Irico Defendants
3	Exhibit 16 to the Saveri Declaration: IRI-CRT-00003568-69	Irico Defendants
4	Exhibit 17 to the Saveri Declaration: IRI-CRT-00003576-77	Irico Defendants
5	Exhibit 18 to the Saveri Declaration: IRI-CRT-00003574	Irico Defendants
6	Exhibit 19 to the Saveri Declaration: IRI-CRT-00003513	Irico Defendants
7	Exhibit 20 to the Saveri Declaration: IRI-CRT-00003490-97	Irico Defendants
8	Exhibit 21 to the Saveri Declaration: IRI-CRT-00003498-99	Irico Defendants
9	Exhibit 22 to the Saveri Declaration: IRI-CRT-00003566-67	Irico Defendants
10	Exhibit 26 to the Saveri Declaration: Excerpts of the transcript of the first day of the deposition of Zhang Wenkai on March 4, 2019	Irico Defendants
11	Exhibit 27 to the Saveri Declaration: Excerpts of the transcript of the second day of the deposition of Zhang Wenkai on March 5, 2019	Irico Defendants
12	Exhibit 28 to the Saveri Declaration: Excerpts of the transcript of the first day of the deposition of Wang Zhaojie on March 6, 2019	Irico Defendants
13	Exhibit 29 to the Saveri Declaration: Excerpts of the transcript of the second day of the deposition of Wang Zhaojie on March 7, 2019	Irico Defendants
14	Exhibit 30 to the Saveri Declaration: Excerpts of the transcript of the third day of the deposition of Wang Zhaojie on March 8, 2019	Irico Defendants
15	Exhibit 31 to the Saveri Declaration: Excerpts of the transcript of the deposition of Donald Clarke on March 26, 2019	Irico Defendants ¹
16	Gray highlighted portions of the Declaration of David Y. Hwu in Support of Direct Purchaser Plaintiffs' Opposition to the Irico Defendants' Amended Motions to Dismiss Claims of Direct Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction	Irico Defendants

¹ Irico has thirty (30) days to designate the deposition transcript as "Confidential" or "Highly Confidential" under the terms of the protective order [ECF No. 306]. In an abundance of caution, Plaintiffs have included this transcript in the sealing motion although Irico has not yet designated it "Confidential" or "Highly Confidential." The thirty (30) day period has not yet expired.

1 Exhibit 3 to the Hwu Declaration

2 Irico Defendants

3 WHEREFORE, Direct Purchaser Plaintiffs respectfully submit this administrative motion
4 pursuant to the Protective Order, this Court's Standing Order Governing Administrative Motions to
5 File Materials Under Seal, and Civil Local Rule 79-5 and hereby notify the parties of their burden
6 to establish that the designated material is sealable.

7
8 Dated: April 1, 2019

Respectfully submitted,

9 /s/ R. Alexander Saveri
10 Guido Saveri (22349)
11 R. Alexander Saveri (173102)
12 Geoffrey C. Rushing (126910)
13 Cadio Zirpoli (179108)
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